IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
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John TANG et al.)
)
Serial No.: 08/885,597) Group Art Unit: 2173
)
Filed: June 30, 1997) Examiner: T. Joseph
)
For: ANIMATED INDICATORS THAT REFLECT)
     FUNCTION, ACTIVITY, OR STATE OF)
     OBJECTS, DATA, OR PROCESSES)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REPLY BRIEF UNDER 37 C.F.R. § 1.193

Pursuant to the provisions of 37 C.F.R. § 1.191 - 1.198, this is a Reply Brief to the

Examiner's Answer, dated November 6, 2001.

This Reply Brief is being filed in triplicate.

The Examiner's Answer addresses some of the arguments set forth in the Appeal Brief.

The Examiner's Answer addresses these arguments in the section entitled "Response to

Argument." This Reply Brief provides arguments pertaining to the points set forth in that section

of the Examiner's Answer, although none of those points changes the essential arguments

provided by the Appellants in the Appeal Brief. Appellants also note that the Examiner's

Answer fails to address several of the arguments set forth in the Appeal Brief. Some of those

omissions are pointed out below.

On page 17, fourth paragraph, of the Examiner's Answer, the Examiner argued that

Johnston, Jr. et al. teaches:

> [T]he display of an animated icon on a screen when another element associated with the computer system changes (col. 2, lines 40-50). Such effects is detecting an event reflecting a change in the state of the container. The said icon is a type of container for accessing corresponding software programs. This animation is a cyclically display a "series of frames as an animated sequence which reflect a change in the state of the container." taught by the Appellant.

Examiner's Answer, page 17, line 19 - page 18, line 3.

Appellants respectfully submit that the Examiner's argument is replete with grammatical errors and can not be fully understood. As such, Appellants respectfully maintain that the prior art of record does not disclose or suggest *determining based on a detected event whether an animated sequence does not reflect the state of the container*. Appellants direct the Board to the previous arguments provided in the Appeal Brief with respect to claim 1.

On page 18, first paragraph, of the Examiner's Answer, the Examiner reiterated the earlier argument with respect to a web page related to user discussion as recited in claim 32. Specifically, the Examiner maintained that "[a]ny process resulting from the activation of an icon can be interpreted as detecting an event reflecting a change in the state of the container, wherein the container is a separate page related to user discussion." The Examiner did not address the specific arguments provided by the Appellants on this point. Appellants respectfully contend that, contrary to the Examiner's position, the prior art of record does not disclose or suggest *detecting an event reflecting a change in the state of the container, wherein the container is a web page related to user discussion*. Appellants direct the Board to the previous arguments

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provided in the Appeal Brief with respect to claim 32.

On page 18, second paragraph, of the Examiner's Answer, the Examiner indicated that the Appellants provided no additional reasoning supporting the withdrawal of the rejection of claims 2-4, 10, 14 and 16. Appellants respectfully disagree with that statement as it pertains to claims 2 and 14. Appellants direct the Board to pages 15 and 16 of the Appeal Brief for specific additional arguments.

On page 18, third paragraph, of the Examiner's Answer, the Examiner responded to the Appellants' argument that the prior art fails to teach or suggest the invention as depicted in claims 5-6, 11-12, 15, 17 and 18. The Examiner argued that:

> [T]he color table animation and the color cycling taught by Gallagher along with the time steps provides simulation that can be applied to the providing data associated with data stored in the computer system (pp. 222-224). Variations in output is a reflection of changes in the processing states. The cyclical state requires only one of the following: a color variation, tempo, motion, or change in size to reflect number of objects in the container.

Examiner's Answer, page 19, lines 4-9.

Applicants respectfully maintain that Baecker et al., Johnston, Jr. et al., Gudmundson, and Gallagher, alone or in combination, fail to teach or suggest that 1) the cyclical display uses of one of color variations, tempo, motion, and change in size to represent the degree of change in the state of the container, and 2) the cyclical display uses one of color variations, tempo, motion, and change in size to reflect the number or type of the objects in the container. Appellants direct the Board to the arguments provided in the Appeal Brief with respect to 5-6, 11-12, 15, 17 and 18.

On page 19, second paragraph, of the Examiner's Answer, the Examiner responded to the

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Appellant's arguments with respect to claims 7 and 19 that <u>Johnston, Jr. et al.</u> fail to teach or suggest 1) determining based on the detected event whether an animated sequence does not reflect the state of the container, and 2) detecting activity of the closed container and updating an animated sequence so as to reflect activity of the closed container. The Examiner did not specifically address item 1 above (the Board is directed to the arguments provided in the Appeal Brief with respect to claim 7), but argued with respect to number 2 as follows:

> The Examiner asserts that the button taught by [<u>Johnston, Jr. et al.</u>] can be a type of container. The button taught by [<u>Johnston, Jr. et al.</u>] is more than a radial button. Any icon or window for accessing program is a container. Further, [<u>Johnston, Jr. et al.</u>] demonstrates icons that can be opened up to specific program items (fig. 1). The window containing the icons and the icons themselves are closed containers. The said window contains the various software programs.

> Examiner's Answer, page 19, lines 15-19.

Appellants respectfully submit that the Examiner's new argument does not change the fact that the button in <u>Johnston, Jr. et al.</u> is not analogous to a closed container as presently claimed. A container as depicted in one aspect of the present application, for example, is capable of being displayed in a maximized or minimized form (page 7, lines 1-11). The display of an animated indicator may be initiated by minimizing (e.g., closing) a container (page 6, line 21 - page 7, line 1). Thereafter, the activity of the minimized container may be detected, and the animated sequence may be updated so as to reflect activity of the container (page 7, lines 1-8). The button taught by <u>Johnston, Jr. et al.</u> is not analogous to such a container because the button is not a container that may be displayed in a maximized or minimized form, where the display of an animated indicator is initiated upon minimization. Appellants further direct the Board to the arguments provided in the Appeal Brief with respect to claim 19.

On page 20, first paragraph, of the Examiner's Answer, the Examiner responded to the Appellants' argument that <u>STN Express</u>, <u>Johnston, Jr. et al.</u>, and <u>Nguyen et al.</u> alone or in combination, fail to teach or suggest updating an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system. The Examiner essentially repeated part of the rejection he previously provided with respect to claim 22. Specifically, the Examiner argued that <u>STN Express</u> discloses various features. No mention was made in this section of how <u>Nguyen et al.</u> teach the claim limitations, but the Examiner set forth how <u>Nguyen et al.</u> teach the claim limitations in the grounds of rejection. Regarding the <u>Johnston, Jr. et al.</u> reference, however, the Examiner has again failed to explain how the reference is applicable to the rejection of claim 22. In addition, the Examiner has again ignored the Appellants' request that the Examiner provide a reference proving the veracity of several claim limitations are widely acceptable in the art. Appellants direct the Board to the previous arguments provided in the Appeal Brief with respect to 22-24 and 26.

On page 21, first paragraph, of the Examiner's Answer, the Examiner responded to the Appellants' argument with respect to claims 27 and 28 by asserting the same reasons set forth by the Examiner with respect to <u>Baecker et al.</u> and <u>STN Express</u> for the other rejected claims. The Examiner also seems to have responded to the Appellants' argument that the Examiner failed to explain how the <u>Lagarde et al.</u> reference is relevant, by providing such an explanation in both the grounds of rejection and the response to arguments sections of the Examiner's Answer. Appellants' respectfully submit that rejecting claims 27 and 28 in this manner is improper and <u>Lagarde et al.</u> should be removed as part of the grounds of rejection. Assuming, *arguendo*, that

the rejection is proper, <u>Lagarde et al.</u> still fails to teach or suggest 1) detecting activity of the closed container and updating an animated sequence so as to reflect activity of the closed container, and 2) updating an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system. Appellants further direct the Board to the previous arguments provided in the Appeal Brief with respect to 27 and 28.
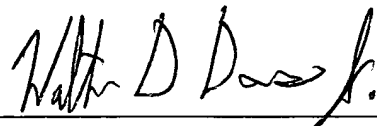
In view of the foregoing and the Appeal Brief filed September 17, 2001, it is respectfully requested that the final rejection of claims 1-32 be reversed.

Please charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: _____
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Dated: January 7, 2002